

Appl. No. 10/672,902
Attorney Docket No. 2003P08213US
Amld dated August 2, 2010
Reply to Office Action dated April 1, 2010

REMARKS AND ARGUMENTS

Applicants thank the Examiner for graciously working with Applicants to understand the Examiner's interpretation of the cited documents. Such guidance is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

Applicants respectfully request reconsideration and allowance of all of the claims of the application. Claims 1-21 are presently pending. Claims amended herein are 1, 7, 10, 14, 19-21. No claims are withdrawn, cancelled or added herein.

Claim Amendments

Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicants amend claims 1, 7, 10, 14, and 19-21 herein. Applicants amend claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Support for the amendments to claims 1, 7, 10, 14, and 19 is found in the Specification at least at page 9 lines 10-25; FIG. 19C. Support for the amendments to claims 20-21 is found in the Specification at least at page 27 lines 15-20. Such amendments are fully supported by the Specification and do not constitute new matter.

SUBSTANTIVE MATTERS

Claim Rejections under 35 U.S.C. § 103

The Examiner rejects claims 1-21 under 35 U.S.C. § 103. The Examiner's rejections are based upon the following documents alone and/or in combination:

- **Stewart** : *Stewart*, US Patent No. 6,643,516;
- **Bhatia** : *Bhatia et al.*, US Patent Publication No. 2002/0090932;
- **Balachandran** : *Balachandran et al.*, US Patent Publication No. 2004/0259546;
- **McDowell** : *McDowell et al.*, US Patent Publication No. 2002/0035605;
and
- **Watanabe** : *Watanabe et al.*, US Patent Publication No. 2003/0013444;

For the reasons set forth below, the Examiner has not made a *prima facie* case showing that the rejected claims are obvious. Accordingly, Applicants respectfully request that the § 103 rejection be withdrawn and the case be passed along to issuance.

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Obviousness Rejections

Lack of Prima Facie Case of Obviousness (MPEP § 2142)

Applicants disagree with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Stewart in view of Bhatia and further in view of Balachandran

The Examiner rejects claims 1-9 and 14-20 under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Bhatia and further in view of Balachandran.

Applicants respectfully traverse the rejection of these claims and ask the Examiner to withdraw the rejection of these claims.

Independent Claims 1, 7, 14 and 19

The claims at issue generally describe a plurality of network clients and a positioning server including a periodic timer. Upon periodic expirations of the periodic timer, the positioning server sends a timer tick signal to associated ones of the network clients. In response to the timer tick signal, the associated ones are configured to send a response tick signal to the positioning server. After the response tick signal is sent, the associated ones send coordinates to the positioning server responsive to detecting a change in a current position of the associated ones. See Specification at, for e.g., page 9 lines 10-25; FIG. 19C.

The Examiner acknowledges (on Action p. 3) that Stewart fails to teach or suggest a "periodic timer" and relies on Bhatia to compensate for its defects. However,

Bhatia merely describes a SIM toolkit 454 that transmits, within determined intervals, short message service (SMS) messages to keep an associated B2B engine 458 informed of the real-time information and location of the MS 452. See Bhatia at, for e.g., paragraph [0090]. The B2B engine does not appear to include a periodic timer, nor does it send a timer tick signal to associated network clients.

The Examiner also acknowledges that Bhatia fails to teach or suggest "if the timer expires, then a timer tick is transmitted," and relies on Balachandran to compensate for its defects. However, Balachandran merely describes a third-party server which includes a Timer-T 53, which periodically instructs a Position Request Unit 54 to request the position of the mobile terminal (MT) *from a Serving Mobile Positioning Center (SMPC) 37* in the cellular network. See Balachandran at, for e.g., paragraph [0040]. Applicants are unable to find, in Balachandran, any teaching or suggestion of at least the features of a positioning server sending a timer tick signal to associated network clients, and the network clients sending, in response to the timer tick signal, a response tick signal. In addition, neither the SMPC 37 nor the MT appears to be configured to send, after a response tick signal is sent, coordinates responsive to detecting a change in a user's current location.

As shown above, the combination of Stewart, Bhatia and Balachandran does not teach or suggest all of the elements and features of these claims. Accordingly, Applicants respectfully ask the Examiner to withdraw the rejection of these claims.

Dependent Claims 2-6, 8-9, 15-18 and 20

These claims ultimately depend upon independent claims 1, 7, 14 or 19. As discussed above, claims 1, 7, 14 and 19 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

For example, with respect to claim 20, Applicants are unable to find, in the combination of Stewart, Bhatia and Balachandran, any teaching or suggestion of at least the features of the positioning server sending the timer tick signal to the associated ones via a toll-free telephony interface.

Based upon the combination of Stewart and McDowell in view of Bhatia and further in view of Balachandran

The Examiner rejects claims 10-13 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Stewart and McDowell in view of Bhatia and further in view of Balachandran. Applicants respectfully traverse the rejection of these claims and ask the Examiner to withdraw the rejection of these claims.

Independent Claim 10

As discussed previously, Applicants are unable to find, in either Stewart, Bhatia or Balachandran, any teaching or suggestion of a telecommunications server being adapted to send, upon periodic expirations of a periodic timer, a *timer tick signal* to associated ones of a plurality of network clients, and the associated ones being adapted to send, responsive to the timer tick signal, a *response tick signal* to the

telecommunications server. In addition, Applicants are also unable to find in any of the cited documents any teaching or suggestion of the telecommunications server receiving, after the response tick signal is sent, coordinates responsive to detecting a change in a current location of at least one of the plurality of users.

McDowell fails to compensate for the defects of Stewart, Bhatia and Balachandran. McDowell merely describes the use of presence and location information for instant messaging and mobile commerce. See McDowell at, for e.g., Abstract. Nowhere does McDowell appear to describe a periodic timer or sending timer tick signals between a network client and a telecommunications server.

Consequently, the combination of Stewart, McDowell, Bhatia and Balachandran does not teach or suggest all of the elements and features of this claim. Accordingly, Applicants respectfully ask the Examiner to withdraw the rejection of this claim.

Dependent Claims 11-13

These claims ultimately depend upon independent claim 10. As discussed above, claim 10 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

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**Based upon the combination of Stewart and Bhatia, and further in view of
Balachandran and Watanabe**

The Examiner rejects claim 21 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Stewart and Bhatia, and further in view of Balachandran and Watanabe, as applied to claim 19. Applicants respectfully traverse the rejection of this claim and ask the Examiner to withdraw the rejection of this claim.

This claim ultimately depends upon independent claim 19. As discussed above, claim 19 is allowable over the combination of Stewart, Bhatia and Balachandran. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

For example, Applicants are unable to find in either Stewart, Bhatia, Balachandran or Watanabe, alone or in combination, any teaching or suggestion of sending the response tick signal via a toll-free telephony interface, as presently recited in claim 21.

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Conclusion

In view of the foregoing, Applicants believe that all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Should the Examiner believe that a telephone conference would expedite prosecution of this application, please telephone or email me at your convenience.

Date: August 2, 2010

Respectfully submitted,



Carmen S. Ng
Registration No. 61,281
Attorney for Applicants
Direct Dial: 1-510-868-4255
Fax: 1-510-868-0821

SIEMENS CORPORATION
Customer Number: 28524
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

Attn: Elsa Keller
Direct Dial: 1-732-321-3026